

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE OF LEWIS COUNTY, WASHINGTON)
AMENDING LEWIS COUNTY CODE CHAPTER 16.02) ORDINANCE NO. 1246
SUBDIVISIONS GENERAL PROVISIONS)**

WHEREAS, Lewis County is authorized to adopt development regulations under authority of Chapter 36.70A RCW; and

WHEREAS, the Board of County Commissioners received recommendations from the Planning Commission concerning amendments to Lewis County Code Chapter 16.02 Subdivisions General Provisions; and

WHEREAS, the Lewis County Planning Commission and the Board of County Commissioners have held public meetings and hearings as required under state law and consistent with the public participation program of Lewis County, to take public testimony and consider the matter; and

WHEREAS, the proposed amendments of the development regulations do not amend the Lewis County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Planning Commission and County staff, considered testimony from the public, and finds that the proposed amendments to these development regulations are consistent with the Lewis County Comprehensive Plan and are in the best interest of the public;

NOW THEREFORE BE IT ORDAINED by the Lewis County Board of County Commissioners that:

1. Lewis County adopts and incorporates the amendments to Lewis County Code Chapter 16.02 as recommended by the Planning Commission as follows:

16.02.040 Specific exemptions.

The provisions of this title shall not apply to:

(9) ~~Defining of Land. The land to which this title applies is any parcel, the division of which will create or leave a parcel less than 20 acres in size.~~ Divisions of land into lots or tracts each one of which is:

(a) one-thirty second of a section of land or larger, or twenty acres or larger if the land is not capable of description as a fraction of a section of land; or

(b) one eighth of a section of land or eighty acres or larger if within a Forest Land of Long-Term Commercial Significance (FRL) zoning district; and

(c) for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line ;

(11) Conservation lots. Conservation lots are created for purposes of environmental mitigation, conservation or restoration, owned in fee simple interest by a registered, non-profit conservation land trust or government agency. Such lots may not be created so as to make the remaining lot unbuildable or less than the minimum lot size for the zoning in that area. For the purposes of this chapter, an unbuildable lot shall be defined as a lot which is unable to be developed without a variance or reasonable use exception. Surveys and/or deeds recorded for the purpose of creating such conservation lots shall:

(a) Be prepared by a professional land surveyor licensed by the state of Washington, and shall be submitted with a notice placed on the face of the survey map stating:

This conservation lot segregation is created solely for purposes of environmental mitigation, conservation or restoration. Any subsequent conveyance of this property shall continue use of the property for the purpose of environmental mitigation, conservation or restoration.

(b) Be annotated with language that prohibits human habitation, conversion of native vegetation to another use, or construction of buildings and other structures.

(c) Contain a note explaining the purposes of the exempt lot, such as the protection of a particular species, habitat conservation or critical area preservation and listing the entity responsible for management of the exempt parcel.

(d) Be reviewed and approved by Lewis County Community Development prior to recording with the Lewis County Auditor's Office.

(38)

2. This Ordinance amends only the referenced provisions of Chapter 16.02 Lewis County Code. All other provisions of the Lewis County Code shall remain in full force and effect.

3. If any portion of the actions taken herein is found to be invalid by a Board or Court of competent jurisdiction, the remainder of the actions shall be deemed valid and shall continue in full force and effect. Further, if such invalidated portion repeals an existing rule or regulation, the replaced rule(s) or regulation(s) shall be reinstated until modified or replaced by the County Commissioners.

4. The provisions of this Ordinance No. 1246 are in the public interest and this Ordinance shall take effect immediately upon adoption by the Board.

PASSED IN REGULAR SESSION THIS 7th day of October 2013, after a public hearing was held October 9, 2013 pursuant to Notice published in the *East County Journal* on September 18, 2013 and the Chronicle on September 17, 2013

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Atty.

BOARD OF COUNTY COMMISSIONERS

LEWIS COUNTY, WASHINGTON

By: Glenn Carter
Deputy Prosecuting Attorney

P.W. Schulte, Chairman

Edna J. Fund, Member

ATTEST:

F. Lee Grose, Member

Karri Muir, Clerk of the Board